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in being at the testator's death or not ; but the estates given by the other two clauses of the will were to the children of Lester and Cheatham living at the death of the testatrix.

FREEMAN'S ADMR. V. BUTTERS AND OTHERS.—Decided at Richmond, March 18, 1897.—*Keith, P* :

1. POWER OF APPOINTMENT—*Exercised in favor of volunteers.* Where a person has a general power of appointment, and exercises it in favor of volunteers, the property becomes assets for the payment of the debts of the appointer, and, in the hands of such volunteers, is burdened with the appointer's debts if necessary to resort to it for that purpose.

PETTUS V. ATLANTIC & SAVINGS LOAN ASSOCIATION.—Decided at Richmond, March 25, 1897.—*Keith, P.* Absent, *Riely, J* :

1. TRUSTS AND TRUSTEES—*Substitution of a new trustee.* A proceeding by motion under the statute to substitute a new trustee in a deed of trust to secure a debt, in the place of a trustee who has resigned, determines nothing as to the rights of the parties under the deed, nor as to the character of the deed itself.